

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIK E PRYOR,

Plaintiff

VS.

DOOLY STATE PRISON, *et al.*,

Defendants.

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CIVIL No: 5:24-CV-00029-CAR-MSH

ORDER

Presently pending before the Court is a Complaint filed by *pro se* Erik E. Pryor, an inmate in the Coastal State Prison in Garden City, Georgia, seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 1). A review of Court records reveals, however, that Plaintiff has filed a case raising virtually identical claims that is also pending before the Court, *Pryor v. Dooly State Prison*, 5:23-cv-00475-TES-MSH (M.D. Ga. Nov. 28, 2023) (“*Pryor I*”).

“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative” of one already pending in federal court. *Curtis v. Citibank*, 226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative of another suit if the parties, issues, and available relief do not significantly differ between the two actions.” *I.A. Durbin, Inc. v. Jefferson Nat’l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986). “Trial courts are afforded broad discretion in determining whether to stay or dismiss litigation in order to avoid duplicating a proceeding already pending in another federal court.” *Id.* at 1551-52.

Each of the parties named as a Defendant in the above-captioned action has also

been named as a Defendant in *Pryor I*, and the statement of claims and the description of the relief sought in this case are nearly identical to those set forth in the Complaint in *Pryor I*. Indeed, it appears Plaintiff may have filed the Complaint in this case in response to the Court's December 28, 2023 Order in *Pryor I*, which directed Plaintiff to file a signed copy of his Complaint in that case. Because the present action is duplicative of one already pending in this Court, it shall be **DISMISSED without prejudice**, but the Clerk is **DIRECTED** to docket a copy of the Complaint in this case (ECF No. 1) as an amended complaint in *Pryor I*.

SO ORDERED, this 9th day of February, 2024.

s/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT